



**AMENDMENT 2 TO ANNOUNCEMENT LS-120**

**MAY 2006**

**PURCHASE OF FROZEN BEEF PRODUCTS FOR DISTRIBUTION TO CHILD  
NUTRITION AND OTHER FOOD AND NUTRITION PROGRAMS**

This amendment is issued to: (1) supersede Amendment 1; (2) modify Section I.C., Offer prices and Evidence of Delivery; (3) reflect changes in Section I.D.4., Food Defense Requirements; (4) modify Section I.D.5., Documentation and Assessment Requirements; (5) revise Section II.E.4, Certifications; (6) revise Section III, Acceptance of Offers; (7) provide a new purchase schedule; (8) replace Exhibit A; (9) replace Exhibit B; and, (10) issue a new Technical Requirements Schedule for Ground Beef Items.

Delete "Amendment 1" and replace with "Amendment 2" and incorporate Amendment 2 in all references of "Announcement LS-120" and "Announcement".

In the Announcement, delete all references to "Technical Requirements Schedule (TRS)-GB-2005, Ground Beef Items, Frozen, dated April 2005, and Amendment 1, dated August 2, 2005" and replace with "Technical Requirements Schedule (TRS)-GB-2006, Ground Beef Items, Frozen, dated May 2006"

Section I.C. Offer Price and Evidence of Delivery

Please insert the following after the third paragraph:

"All delivery units--trucklot and less-than-trucklot (LTL) quantities--must be secured at all times prior to unloading with tamper proof, tamper resistant, serially numbered, high security seals that meet the ISO 17712 standard. Failure to seal or maintain the delivery unit under seal in accordance with these requirements may subject the shipment to rejection.

The contractor must maintain a record of each seal number used for trucklot and LTL delivery units. Additionally, the contractor must ensure that the applicable seal identification number is on each bill of lading, shipment manifest, or other delivery documents for each delivery destination.

When LTL delivery units are transported on the same trailer or railcar and destined for multiple recipients, the trailer or railcar must be sealed after each delivery. The seal number must be recorded on the appropriate delivery documents and correspond with the applied seal at the time of arrival at the next destination. It will be the responsibility of the contractor to provide a sufficient number of seals and ensure that the carrier service (truck or rail) secures the trailer or railcar after each delivery destination. Failure to seal the trailer or railcar after each stop may subject the shipment to rejection at the next scheduled stop and rejection of any subsequent deliveries on the trailer or railcar.

The ISO 17712 standard can be obtained through the following websites: 1) American National Standards Institute: <http://webstore.ansi.org/ansidocstore/iso.asp?> or 2) International Organization for Standardization: <http://www.iso.org/iso/en/CatalogueListPage.CatalogueList.>"

#### Section I.D.4. Food Security Requirements

All references to “Food Security” including section title should be changed to “Food Defense”. Delete the paragraph in its entirety and replace with:

“The contractor and all subcontractors must have a documented and operational food defense plan that provides for the security of a plant’s production processes, which includes the storage and transportation of pre-production raw materials and other ingredients and post-production finished products. The plan shall address the following areas: 1) food defense plan management; 2) outside and inside security of the production and storage facilities; 3) slaughter and processing, including all raw material sources; 4) controlled access to production and storage areas; 5) storage; 6) water and ice supply; 7) mail handling; 8) personnel security; and 9) transportation, shipping, and receiving (includes the sealing of any transport conveyance for trucklot and less-than-trucklot quantities of finished product).

The food defense plans will be audited by the AMS, ARC Branch (see section I.5.). See FSIS Security Guidelines for Food Processors: <http://www.fsis.usda.gov/OA/topics/SecurityGuide.pdf> Information on the transportation and distribution of meat, poultry, and egg products is located at: <http://www.fsis.usda.gov/oa/topics/transportguide.htm>.”

#### Section I.D.5.a. Documentation and Assessment Requirement

Please insert the following after the last paragraph:

“For those suppliers who are approved and remain eligible as determined by the Contracting Officer to submit offers, the pre-award assessment audit may be waived provided all new or revised USDA program requirements are met. The contractor’s revised technical proposal must address all new or revised program requirements and be submitted and approved by the Contracting Officer in advance of submitting offers.”

#### Section I.D.7. Past Performance

Please insert the following after the last paragraph:

“In addition, the Contractor’s performance on contracts, awarded by USDA, will be evaluated on a 30 consecutive day (rolling) cycle. The evaluation will consist of any non-conformances that were identified by the ARC Branch auditor or MGC Branch certification agent and customer complaints identified through the Food and Nutrition Service complaint system. The non-conformances will be categorized as critical, major, and minor based on their impact on the quality, safety, or value of the involved product. The accumulation of at least two critical or three major non-conformances within the cycle will result in the Contractor being ruled as non-responsible by the Contracting Officer and will render the contractor ineligible to submit offers for consideration by AMS. To attain responsible status, the Contractor must submit appropriate corrective and preventative measures to AMS for evaluation and the measures must be verified by AMS as effective. The Contractor will be notified by the Contracting Officer when eligibility to submit offers has been reinstated. The microbial and fat content test results will continue to be separately analyzed under statistical process controls.

The criteria for the three categories of non-conformances are as follows:

#### Critical

**Production non-conformances**--a complete breakdown of the production process has occurred. It is apparent that the company cannot produce product that complies with contract requirements.

**Consumer complaints**--product that does not meet specification requirements and is not useable to the end recipient or is a food safety risk.

#### Major

**Production non-conformances**--major deviation from the production process has occurred that significantly impacts the quality or performance of the product. It is questionable that the company can produce product that complies with contract requirements.

**Consumer complaints**--product that does not meet the quality standards of the specifications and affects the use of the product by the end recipient. The product does not pose a food safety risk.

#### Minor

**Production non-conformances**--minor deviation from the production process has occurred that minimally impacts the quality or performance of the product. It is likely that the company can produce a product that complies with contract requirements.

**Consumer complaints**-- product that does meet the quality standards of the specifications and does not affect the use of the product by the end recipient. The product does not pose a food safety risk.

Information is provided by the Food and Nutrition Service (FNS) as part of a trend analysis and no vendor response is required by FNS."

### Section II. E. Section 4. Certifications

Certification 2, delete and replace with:

2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-120, Amendment 2: Appendix-1; Inv. \_\_; Exhibit A, dated May 2006; Contractor's Technical Proposal approved by the Contracting Officer; AMS audit team's initial report; USDA-1, Rev. 2, and Amds. 1, 2, 3, and 4; and the Federal Acquisition Regulations (both boxes must be selected).

- ☐ HAS
- ☐ DOES

### Section III. Acceptance of Offers

Delete the last three sentences of first paragraph and insert the following:

"A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted on the **Livestock and Seed Program, USDA, AMS Commodity Procurement Home Page** (see Notice attached), after 1:00 p.m., **Central time** on the day of acceptance. Information on awards will be available by telephone to offerors and interested parties promptly following the posting of the FPR. Inquiries may also be made to a USDA, AMS Market News office or the Contracting Officer."

Exhibits

Delete Exhibit A dated April 2005 and replace with Exhibit A dated May 2006.

Delete Exhibit B dated April 2005 and replace with Exhibit B dated May 2006.

Delete table in Exhibit G and insert table shown below:

INV. NO.	COMMODITY TYPE	BID OPENING	AWARD DATE (NOT LATER THAN)	SHIPPING PERIOD
028	Processing Beef	06/02/2006	06/09/2006	07/01-15/06
029	Processing Beef	06/09/2006	06/16/2006	07/16-31/06
030	Processing Beef	06/16/2006	06/23/2006	08/01-15/06
031	Fine & Patties	06/23/2006	06/30/2006	08/01-15/06
032	Processing Beef	07/07/2006	07/14/2006	08/16-31/06
033	Fine & Patties	07/14/2006	07/21/2006	08/16-31/06
034	Processing Beef	07/21/2006	07/28/2006	09/01-15/06
035	Fine & Patties	07/28/2006	08/04/2006	09/01-15/06
036	Processing Beef	08/04/2006	08/11/2006	09/16-30/06
037	Fine & Patties	08/11/2006	08/18/2006	09/16-30/06
038	Processing Beef	08/18/2006	08/25/2006	10/01-15/06
039	Fine & Patties	08/25/2006	09/01/2006	10/01-15/06
040	Processing Beef	09/01/2006	09/08/2006	10/16-31/06
041	Fine & Patties	09/08/2006	09/15/2006	10/16-31/06
042	Processing Beef	09/15/2006	09/22/2006	11/01-15/06
043	Fine & Patties	09/22/2006	09/29/2006	11/01-15/06

This amendment is effective with offers submitted on or after May 31, 2006.

/s/ William T. Sessions (5/11/06)

William T. Sessions

Associate Deputy Administrator

Livestock and Seed Program



United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

Stop 0253-Room 2610-S  
1400 Independence Avenue, SW  
Washington, DC 20250

EXHIBIT A DATED MAY 2006  
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## CHECKLIST AND REFERENCES TO APPLICABLE BID AND CONTRACT PROVISIONS ANNOUNCEMENT LS-120, FOR FROZEN BEEF PRODUCTS

PRODUCT DESCRIPTIONS (SECTION 1. A. (GENERAL))					BID/CONTRACT PROVISIONS				
Product/ Commodity Box Code	Specifications Listed in Priority Order	Commodity Purchase Code	Packaging and Packing	Minimum Offer Unit Size/Shipping Unit	Tolerance Section VIII. B.	Shipping/Delivery Period Section II.C.; IV and VIII	Federal/State Plants Section I.D.3.	Competition (See Invitation)	Payment Section X
Ground Beef A-608	Technical Requirements Schedule-GB- 2006, Ground Beef Items, Frozen, May 2006	25-13-40	10 pound packages packed 40 lbs. Net weight (18.1 kg) per shipping container	40,000 lbs. 1000 cases	NONE	First Half/Last Half of month shipping period	Federal & State	Small Business Set Aside	Upon Shipment X.B.
Ground Beef A-609		25-13-41	Packed in 1-pound packages to a net weight of 40 lbs. (18.1 kg) per shipping container	40,000 lbs. 1000 cases	NONE	12-day delivery period	Federal Plants Only	Full & Open	Upon Delivery X.A.
Coarse Ground Beef A-594		25-10-61	Packed into a shipping container (without bags or liners) to a net weight of 60 lbs. (27.2 kg) Containers must be wax impregnated or interior panels wax lined or plastic film laminated.	42,000 lbs. 700 cases	NONE	First Half/Last Half of month shipping period	Federal Plants Only	Full & Open	Upon Shipment X.B.
Ground Beef- Irradiated A-579		25-24-20	10 pound packages packed 20 lbs net weight per shipping container	40,000 lbs 2000 cases	NONE	First Half/Last Half of month shipping period	Federal & State	Full & Open	Upon Shipment X.B.
Ground Beef Patties (100%) A-626		25-15-40	3 ounce (85.0 g) portions, 40 lbs. Net weight (18.1 kg) per shipping container, IQF required	38,000 lbs. 950 cases	NONE	First Half/Last Half of month shipping period	Federal & State	Small Business Set Aside	Upon Shipment X.B.
Beef Patties with Soy Protein Product A-616		25-14-40	3 ounce (85.0 g) portions, 40 lbs. net weight (18.1 kg) per shipping container, IQF required	38,000 lbs. 950 cases	NONE	First Half/Last Half of month shipping period	Federal & State	Small Business Set Aside	Upon Shipment X.B.
Lean Beef Patties A-627		25-17-40	3.0 ounce (85.0 g) portions, 40 lbs. Net weight (18.1 kg) per shipping container, IQF required	38,000 lbs. 950 cases	NONE	First Half/Last Half of month shipping period	Federal & State	Small Business Set Aside	Upon Shipment X.B.
Ground Beef Patties (100%) Irradiated A-578		25-23-20	3 ounce (85.0 g) portions, 1-20lbs or 2-10 lb sealed packages packed to 20 lbs. Net weight (9.05 kg) per shipping container, IQF required	38,000 lbs. 1900 cases	NONE	First Half/Last Half of month shipping period	Federal & State	Full & Open	Upon Shipment X.B.

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DATE: FROZEN BEEF PRODUCTS, ANNOUNCEMENT LS-120, INVITATION NO. \_\_:

The U.S. Department of Agriculture (USDA) invites offers pursuant to ANNOUNCEMENT LS-120 to sell frozen beef products for use in the National School Lunch Program and other Federal food and nutrition programs. Purchases will be made on an f.o.b. destination basis indicated below. Destination quantities listed are estimates and are subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

**NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE**

**Offers for fine ground beef and beef patties are solicited only from small business concerns. Offers for this product received from concerns that are not classified as small businesses shall be considered nonresponsive and will be rejected. Any award made for beef patties under this Invitation will be made to a small business concern. For the meatpacking industry, a concern with less than 500 employees is classified as a small business under the size standards established by the Small Business Administration.**

**The term "small business concern" means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under criteria set forth in the regulations of the Small Business Administration (13 C.F.R. 121). In addition to meeting these criteria, a manufacturer or regular dealer submitting an offer in its own name agrees to furnish, in performing the contract, only end items manufactured or produced by small business concerns inside the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia.**

Products purchased under this invitation will be produced according to Announcement LS-120, Exhibit A, dated April 2005; and as specified for each type. Offeror must also have a technical proposal approved by the Contacting Officer under LS-120.

All offers must be in the format prescribed in LS-120 and be submitted electronically via the internet. Offers must be received by 1:30 p.m., CENTRAL TIME, Friday, \_\_\_\_, 2006. Acceptances will be announced by midnight, Friday, \_\_\_\_, 2006. Shipments must be made between \_\_\_\_ and \_\_\_\_, 2006.

*Offerors must be assigned a Logon ID by USDA to access the site. The internet address is: <https://pcsd.usda.gov:3077/mdbc1000.exe?> Once connected, follow the online procedures. A "HELP" button provides detailed instructions or call 202-720-2650 for assistance.*

Inquiries about ANNOUNCEMENT LS-120 or this Invitation should be directed to the Contracting Officer, Livestock and Seed Program; USDA, AMS, Room 2610-South; Mail Stop 0253; 1400 Independence Avenue, SW; Washington, D.C. 20250-0253. Telephone: (202) 720-2650; FAX (202) 720-0949.

ANNOUNCEMENT : LS-120

INVITATION : 099

COMM GROUP : 25 BEEF FROZEN

COMM TYPE : 13 BEEF, FINE GROUND, FROZEN

PACK SIZE : 40 40-LB CONTAINER

SET ASIDE FOR SMALL BUSINESS CONCERNS

ITEM NO.	DESTINATION CITY	TRANS ST	TRANS RESTR	QUANTITY (LBS)
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SHIPPING PERIOD 09/01/06-09/15/06

001	VANDIVER	AL	TRUCK ONLY	80,000
002	DURAND	GA		400,000
003	PALMDALE	FL		200,000

TOTAL QUANTITY FOR COMMODITY TYPE 680,000

COMM TYPE : 15 FROZEN BEEF PATTIES, 100% BEEF

PACK SIZE : 40 40-LB. CONTAINER

SET ASIDE FOR SMALL BUSINESS CONCERNS

ITEM NO.	DESTINATION CITY	TRANS ST	TRANS RESTR	QUANTITY (LBS)
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SHIPPING PERIOD 09/01/06-09/15/06

004	VANDIVER	AL	TRUCK ONLY	76,000
005	DURAND	GA		380,000
006	PALMDALE	FL		190,000

TOTAL QUANTITY FOR COMMODITY TYPE 646,000

TOTAL QUANTITY FOR INVITATION 1,326,000

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CONTRACTING OFFICER